

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 201907712	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/19/2019 2:00 AM	Location of Incident: § 87(2)(b)	Precinct: 26	18 Mo. SOL 2/19/2021	EO SOL 10/6/2021	
Date/Time CV Reported Mon, 08/19/2019 2:40 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/29/2019 11:08 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Alula Haileselassie	11630	953943	026 PCT
2. POF Marydanie Sessomsswinea	20492	963268	026 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Alula Haileselassie	Discourtesy: Police Officer Alula Haileselassie spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Alula Haileselassie	Abuse: Police Officer Alula Haileselassie threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POM Alula Haileselassie	Abuse: Police Officer Alula Haileselassie refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
D.POF Marydanie Sessomsswinea	Abuse: Police Officer Marydanie Sessomsswinea refused to provide her shield number to § 87(2)(b)	§ 87(2)(b)
E.POM Alula Haileselassie	Abuse: Police Officer Alula Haileselassie refused to provide his name to § 87(2)(b)	§ 87(2)(b)
F.POF Marydanie Sessomsswinea	Abuse: Police Officer Marydanie Sessomsswinea refused to provide her name to § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 19, 2019, § 87(2)(b) filed this complaint via phone with the Internal Affairs Bureau. On August 29, 2019, the complaint was received at the CCRB.

On August 19, 2019, at approximately 2 a.m., the police responded to a domestic dispute between § 87(2)(b) and his girlfriend, § 87(2)(b) involving a knife, at § 87(2)(b). § 87(2)(b) wanted § 87(2)(b) out of the apartment. PO Alula Haileselassie and PO Marydanie Sessomsswinea arrived and were invited into the apartment by § 87(2)(b). Upon speaking with § 87(2)(b) and determining there was no dispute involving a knife, the two officers proceeded to speak to § 87(2)(b) who was in the room that both him and § 87(2)(b) allegedly lived in. While attempting to confirm if § 87(2)(b) resided in the apartment, the officers tried to convince § 87(2)(b) to leave voluntarily, at which point, PO Haileselassie stated that § 87(2)(b) can “get his shit out later”, which was one of many instances where PO Haileselassie said the word “shit”

(Allegation A-Discourtesy: Word, § 87(2)(g))

As the incident progressed, § 87(2)(b) could not produce any documentation as proof of residence. PO Haileselassie threatened to arrest § 87(2)(b) if he did not provide such proof **(Allegation B-Abuse of Authority, § 87(2)(g))**. However, upon continuing their investigation and speaking with other residents of the apartment, the officers confirmed that § 87(2)(b) has stayed in the apartment for more than 30 days on and off.

PO Sessomsswinea prepared a domestic incident report, of which § 87(2)(b) asked for a copy and was refused because he was not the complainant. § 87(2)(b) allegedly asked PO Sessomsswinea and PO Haileselassie for their names and shield numbers, which they allegedly refused to provide **(Allegations C and E-Abuse of Authority, § 87(2)(g))** **(Allegations D and F-Abuse of Authority, § 87(2)(g))**.

§ 87(2)(b) was not arrested or issued a summons as a result of this incident.

There is footage, taken by § 87(2)(b) on his cellphone, and body-worn camera footage, in regard to this incident.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Alula Haileselassie spoke discourteously to § 87(2)(b).

PO Haileselassie’s body-worn camera footage (BR 01) displays an hour-40-minute and 47-second long audio and visual representation of the incident. PO Haileselassie is heard using profanity at various points throughout the recording, none of which were associated with a command or a high-stress situation. At the 13:15 mark, PO Haileselassie is attempting to convince § 87(2)(b) to leave voluntarily, at which point he mentions to § 87(2)(b) that “We’re gonna have to come back here and § 87(2)(b) is gonna say some other shit”. At the 21:53 mark, PO Haileselassie tells § 87(2)(b) “If you wanna get to the technicalities of shit, you making your life way for difficult than it has to be”. At the 38:02 mark, PO Haileselassie tells § 87(2)(b) “You can call us, and we’ll escort you to get your shit”. At the 1:00:28 mark, PO Haileselassie tells § 87(2)(b) § 87(2)(b) is getting her shit out”. At the 1:02:40 mark, PO Haileselassie tells § 87(2)(b) “I’ll be in deep shit” if he was a in a domestic dispute. At the 1:24:12 mark, PO Haileselassie stated out loud and close enough for § 87(2)(b) to hear that he was not closing the door so that § 87(2)(b) won’t say any “bullshit” about his “fucking stuff”.

A small clip of PO Haileselassie’s body-worn camera footage (BR 02) that was separate from the aforementioned footage (BR 01), displays a two-minute and 20-second long audio and visual representation of a portion of the incident. At the 00:39 mark, PO Haileselassie tells § 87(2)(b) to get his things and when he refuses, PO Haileselassie states “Alright, so you don’t want

your shit”.

Witnesses that lived at § 87(2)(b) and were present during the incident, § 87(2)(b) and § 87(2)(b) were contacted by the investigation but did not wish to participate.

§ 87(2)(b) did not mention PO Haileselassie speaking to him in a discourteous manner.

PO Haileselassie stated (BR 03) that he did not recall speaking discourteously to § 87(2)(b) when attempting to convince him to leave the apartment voluntarily. When presented with his body-worn camera footage in a re-interview, PO Haileselassie stated (BR 04) that he did not direct any profanity at § 87(2)(b) rather, he used profanity to deescalate the situation. He testified that civilians occasionally understand situations more clearly when profanity is used in speech.

PO Sessomsswinea stated (BR 05) that she did not recall hearing PO Haileselassie speaking discourteously to § 87(2)(b).

The NYPD’s mission is to protect the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect, while efficiently rendering police services and enforcing the laws impartially, by fighting crime both through deterrence and the relentless pursuit of criminals. Patrol Guide Procedure 200-02 (BR 06). Profanity has been found to be permissible where the officer has resorted to such language in the heat of a highly dangerous situation. DAO-DCT Disciplinary Case No. 2013-10143 (BR 07).

§ 87(2)(g)

[REDACTED]

Allegation (B) Abuse of Authority: Police Officer Alula Haileselassie threatened to arrest

§ 87(2)(b)

§ 87(2)(b) stated (BR 08) that he attempted to enter the room § 87(2)(b) is sub-leasing, as § 87(2)(b) was in the room gathering his belongings. PO Sessomsswinea stepped in his way, put on her gloves and told § 87(2)(b) that if he touched her or tried to enter the room while she was standing there, there would be a problem and he would be arrested. Both officers stood in the doorway and told § 87(2)(b) that if he called the police and caused them to return to the apartment or if he tried to force himself into the room and § 87(2)(b) called the police, he would also be arrested.

§ 87(2)(b) could not be reached for a statement because her phone number was out of service.

PO Sessomsswinea stated (BR 05) that § 87(2)(b) informed her and PO Haileselassie about § 87(2)(b)’s violent history. Therefore, the officers tried to keep both parties separate at all times. § 87(2)(b) arranged with the officers to go into the room to gather her things, while § 87(2)(b) stayed outside. Both officers stood in front of the door, to protect § 87(2)(b). § 87(2)(b) approached the threshold of the door, at which point PO Sessomsswinea told § 87(2)(b).

§ 87(2)(b) that he could not interfere with their protecting § 87(2)(b). As per his violent history, PO Sessomsswinea advised § 87(2)(b) that if he tried to kick the door in, he would be arrested. PO Sessomsswinea informed § 87(2)(b) that if § 87(2)(b) became violent or physical, she could call herself and PO Hailellassie and they would subsequently come and remove § 87(2)(b) from the apartment.

PO Hailellassie also stated (BR 03) that § 87(2)(b) informed him and PO Sessomsswinea of § 87(2)(b)'s violent history. More specifically, § 87(2)(b) mentioned that § 87(2)(b) liked to break her things; therefore, both officers informed § 87(2)(b) that if § 87(2)(b) damaged any of her things, she could call them, and § 87(2)(b) would be arrested for criminal mischief--the officers also informed § 87(2)(b) of such information.

PO Hailellassie's body-worn camera (BR 01) shows that, upon arrival, PO Hailellassie and PO Sessomsswinea attempted to determine if § 87(2)(b) resided at § 87(2)(b), § 87(2)(b) on August 19, 2019. At the 10:55 mark, a resident of the apartment, § 87(2)(b) told the officers that § 87(2)(b) had been living in the apartment for more than 30 days. The officers continued their investigation and asked § 87(2)(b) to produce mail or documentation that proved his residence. At the 30:38 mark, when § 87(2)(b) had still not provided documentation, PO Hailellassie told § 87(2)(b) that he has given him multiple attempts to prove that he lives in the apartment and has failed to do so. He proceeded to tell him that if he did not provide proof of residency then he would be arrested. As § 87(2)(b) continuously debated his departure of the apartment, the officers continued their investigation. At the 39:24 mark, PO Hailellassie and PO Erdman, who also arrived at the scene, took another resident, § 87(2)(b) out into the hallway to discuss § 87(2)(b). § 87(2)(b) confirmed that § 87(2)(b) lived at the apartment. § 87(2)(b) added that § 87(2)(b) drove trucks for a living, and may be gone for a week, but whenever he was not on the road, he resided at § 87(2)(b). Based on the testimonies of § 87(2)(b) and § 87(2)(b) PO Hailellassie determined that § 87(2)(b) did live in the apartment and could not force him to leave.

It is unlawful for a person to evict or attempt to evict an occupant of a dwelling unit who has lawfully occupied the dwelling unit for thirty consecutive days or longer. New York City Administrative Code § 26-521 (BR 09).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Alula Hailellassie refused to provide his shield number to § 87(2)(b).

Allegation (E) Abuse of Authority: Police Officer Alula Hailellassie refused to provide his name to § 87(2)(b).

PO Hailellassie's body-worn camera footage (BR 01) displays an hour-40-minute and 47-second long audio and visual representation of the entire incident at § 87(2)(b). § 87(2)(b) is not heard asking PO Hailellassie for his name or shield number at any point in the footage.

§ 87(2)(b) stated (BR 08) that he requested the names and shield numbers of both PO Hailellassie and PO Sessomsswinea but was not provided with such information.

PO Haileselassie and PO Sessomsswinea stated (BR 03, BR 05) that they did not recall § 87(2)(b) asking for their names or shield numbers.

Uniformed members of service must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so. Patrol Guide Procedure 203-09 (BR 10).

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Marydanie Sessomsswinea refused to provide her shield number to § 87(2)(b).

Allegation (F) Abuse of Authority: Police Officer Marydanie Sessomsswinea refused to provide her name to § 87(2)(b).

Video footage of the incident (BR 11), provided by § 87(2)(b) displays a 22-second long audio and visual representation of the incident. The video was taken on § 87(2)(b)'s cell phone. At the 00:16 mark, § 87(2)(b) asks PO Sessomsswinea for her name and if he can see her shield. PO Sessomsswinea is very close to § 87(2)(b) in the video and responds by answering a question he asked before requesting her name and shield. The video did not capture PO Sessomsswinea providing her name or shield number to § 87(2)(b).

§ 87(2)(b) stated (BR 08) that he requested the names and shield numbers of both officers as they were exiting the apartment. The officers ignored § 87(2)(b) and proceeded to exit.

PO Haileselassie and PO Sessomsswinea stated (BR 03, BR 05) that they did not recall § 87(2)(b) asking for their names or shield numbers at any point throughout the incident. When presented with video footage during a re-interview, PO Sessomsswinea (BR 12) stated that she did not hear § 87(2)(b) ask for her name and shield, as she was responding to a previous question that he asked regarding obtaining a copy of the Domestic Incident Report created for § 87(2)(b).

Uniformed members of service must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so. Patrol Guide Procedure 203-09 (BR 10).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint in which § 87(2)(b) is a party (BR 13).
- PO Haileselassie has been a member-of-service for six years and this is the first complaint to which has been a subject officer.

- PO Sessomsswinea has been a member of service for two years and this is the first complaint to which she is a subject officer.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On November 14, 2019, The Office of the New York City Comptroller confirmed that § 87(2)(b) has not filed a Notice of Claim in regard to this complaint (BR 14).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: 11

Investigator: Jessica Russo Investigator Jessica Russo April 30, 2020
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 04/30/20
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

